



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 24, 2020

By ECF

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
Charles L. Brieant, Jr. United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: *United States v. Nicholas Tartaglione*, 16 CR 832 (KMK)

Dear Judge Karas:

The Government submits this letter to update the Court on the examination of the contraband cellphone. After counsel to the defendant, Bruce Barket, Esq., was unsuccessful in locating a forensic analysis firm in the metropolitan area of the City of New York that was both available and that he deemed competent to conduct the examination, Mr. Barket proposed to the Government that the Government make available to the defendant's preferred forensic analysis firm all of the data forensically extracted from the contraband cellphone and the contraband cellphone's SIM card. Accordingly, on April 23, 2020, the Government transmitted this data and certain accompanying forensic reports to Mr. Barket and the forensic analyst who was originally assigned to conduct the examination from the defendant's preferred forensic analysis firm and who is based in Texas. In addition, the Government has made the same data and accompanying forensic reports available to learned counsel to the defendant. Given these developments, Mr. Barket has informed the Government that he continues to anticipate that he will be able to articulate a position as to any assertion of privilege regarding the contraband cellphone on or before May 1, 2020.

Respectfully submitted,

GEOFFREY S. BERMAN
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By:

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cc: All Counsel (by ECF)